



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 6 2009

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Chief  
Rulemaking, Directives and Editing Branch  
U.S. Nuclear Regulatory Commission  
Mail Stop T-6D59  
Washington, DC 20555-0001

Dear Sir/Madam:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the Environmental Protection Agency (EPA) has reviewed the Nuclear Regulatory Commission's (NRC) Final Generic Environmental Impact Statement (GEIS) for In-Situ Leach (ISL) Uranium Milling Facilities (CEQ # 20090175).

NRC is required to evaluate the environmental impact of the issuance of a license to possess and use source material for uranium milling. The intent of this GEIS is to determine which impacts would be essentially the same for all ISL facilities and which would result in varying levels of impacts for different facilities, thus requiring further site-specific information to determine the potential impacts. The GEIS will be used as a starting point for its site-specific environmental reviews. The draft GEIS indicated that project-specific NEPA documents may be tiered from the GEIS with either environmental assessments (EAs) or EISs. EPA appreciates NRC's decision to prepare either an EIS or a supplemental EIS (SEIS) for a new license application. We understand that an EA, SEIS, or EIS will be prepared for an application to amend or renew an existing ISL facility license.

As stated in our November 6, 2008 comment letter on the draft GEIS, EPA recognizes the complexity of the proposed licensing process to support a commercial uranium-mining program for the development of domestic energy fuels. We also support an energy policy that ensures a long-term, sustainable balance between available energy supplies, energy demand, and protection of ecosystems and human health. However, EPA expressed several concerns including concerns about impacts to surface water and groundwater resources, air quality, and government-to-government consultations with Native American Tribes, many of which were not addressed in the final EIS. We are particularly concerned about the lack of analysis of impacts of other leaching solutions

that are proposed for use including acid lixiviants. Nevertheless, the final GEIS states that the issues of concern will be addressed during the site-specific analyses.

Due to the sensitive nature of these types of issues and the potential controversy for these projects, EPA would like to be:

1. Notified when scoping is initiated for each tiered project; and
2. Provided copies of all NRC EAs tiered to this GEIS during the public review period.

We appreciate the opportunity to review and comment on this document and look forward to continued collaboration on follow-on or supplemental projects dealing with ISL facilities. If you have any questions, you may contact me at (202) 564-5400. You may also call my staff point of contact, Marthea Rountree at (202) 564-7141.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan E. Bromm", followed by a small "for" written in a cursive script.

Susan E. Bromm  
Director  
Office of Federal Activities